



# Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Twenty-sixth Meeting Day

Monday Afternoon

March 7, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Dan Rasmussen, Center United Methodist Church, Indianapolis, the guest of Representative David N. Frizzell.

The Pledge of Allegiance to the Flag was led by Representative Frizzell and House staff member, Matt Tusing.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman ☐	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer ☐	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy ☐
C. Brown	Neese
T. Brown ☐	Noe
Buck	Orentlicher ☐
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson ☐	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb ☐	Ulmer
Gutwein	VanHaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount ☐
Kersey	Mr. Speaker

Roll Call 236: 92 present; 8 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1004 with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 38, 56, 63, 64, 66, 73, 96, 123, 124, 126, 132, 141, 142, 171, 200, 201, 227, 253, 268, 269, 279, 281, 295, 324, 327, 330, 348, 358, 360, 376, 378, 397, 405, 414, 416, 447, 453, 459, 460, 503, 504, 509, 512, 513, 524, 525, 529, 533, 536, 549, 557, 566, 568, 570, 575, 578, 591, 602, 609, 620, and 639 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 432 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Joint Resolution 1 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 8, 2005 at 1:30 p.m.

FRIZZELL

Motion prevailed.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 19

Representative Austin introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION memorializing U.S. Army Specialist Raymond White.

*Whereas, Specialist Raymond White from Elwood, Indiana, was killed in the line of duty in Iraq on November 12, 2004;*

*Whereas, Specialist White, 22, served in the Army's 1st Battalion, 8th Cavalry Regiment, 1st Cavalry Division in Fort Hood, Texas, and was deployed to Iraq in January 2004;*

*Whereas, Specialist White and his unit were on patrol in Baghdad in three military vehicles when they were ambushed by insurgents;*

*Whereas, The first vehicle in the convoy was disabled by the attackers, and the gun on the second vehicle jammed;*

*Whereas, Specialist White, a 2001 Frankton High School graduate, was the only one able to return fire;*

*Whereas, Specialist White's heroic actions saved the lives of his*

*fellow soldiers but cost him his own life;*

*Whereas, Specialist White believed from an early age that it was his duty to join the military to protect his family and his country and to make the world safer so that democracy could endure; and*

*Whereas, Throughout history, brave men like Specialist White have made the ultimate sacrifice in defense of freedom throughout the world; without men like Specialist White, freedom could not survive: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to pay tribute to an outstanding American who gave his life in defense of freedom. Specialist Raymond White was killed on the front lines fighting to preserve freedom. Specialist White died doing what he believed in. The Representatives and Senators of the Indiana General Assembly extend their deepest sympathy to Specialist White's family.

SECTION 2. That the passing of Specialist Raymond White has left a void that cannot be filled, and he is mourned across the length and breadth of the state.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to his father, Henry White, and his mother, Sharon White.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Lanane.

The House stood for a moment of silence in memory of U.S. Army Specialist Raymond White.

### House Resolution 16

Representative Fry introduced House Resolution 16:

A HOUSE RESOLUTION memorializing Emery S. Petko.

*Whereas, Emery S. Petko, who passed away January 24, 2005, after a long and courageous battle against cancer, dedicated his life to his wife, his children, his grandchildren, and the Mishawaka school system;*

*Whereas, Mr. Petko was born in Phoenix, Arizona, to Emery and Mary Ruth Petko;*

*Whereas, Mr. Petko met his future wife, Peggy Layne, on April 1, 1968, and married her eight days later on April 9, 1968, a union that lasted 37 years;*

*Whereas, Together Emery and Peggy had two children, James and Stacy, and five grandchildren, Tiffany, Thomas, Sam, Matthew, and Margaret;*

*Whereas, Mr. Petko graduated from Phoenix Union High School and attended the University of Arizona, Purdue University, and Indiana University;*

*Whereas, In 1961, Mr. Petko began his apprenticeship and received his journeyman's license in 1966, working for Slutzky Peltz for many years;*

*Whereas, Mr. Petko was a member of the Plumbers and Pipefitters Union Local 172 and earned a Master Plumbers License in Indiana and Michigan;*

*Whereas, On January 1, 1995, Mr. Petko began working for the School City of Mishawaka as the Director of Buildings and Grounds; he served for 11 years on the School City of Mishawaka School Board, including four years as vice president and five years as president;*

*Whereas, One of Mr. Petko's greatest pleasures was watching his grandchildren play sports and compete in academic competitions;*

*Whereas, Mr. Petko started a petition to include softball as a varsity sport at Mishawaka High School in 1980, and, as a result of his petition and presentation to the City of Mishawaka School Board, the high school varsity softball program began;*

*Whereas, Mr. Petko had served as the head coach for the Mishawaka High School softball program since 1989 and expanded*

*the program to include a summer softball program that includes the Lady Cavemen, the Bandits, and other summer softball camps; during the winter he worked with pitchers and catchers on a weekly basis to develop their talents;*

*Whereas, It was through his efforts that the Lady Cavemen were able to win the Indiana National Softball Association State Championship and place 7th in the National Softball Association tournament;*

*Whereas, Mr. Petko also served as "the voice" of many of the Mishawaka High School sporting teams, including football, softball, girls and boys basketball, and various volleyball events; and*

*Whereas, Mr. Petko's death will leave a void in the lives of his family and all who knew him because in all his endeavors, Mr. Petko exhibited a positive attitude resulting in a positive effect on those around him: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the members of the Indiana House of Representatives express their sympathy to the family of Emery S. Petko in their time of grief and express their gratitude for his endless hours of dedicated service to the people of Mishawaka and the surrounding area.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Emery S. Petko.

The resolution was read a first time and adopted by voice vote.

## INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

**ESB 2** — Duncan, Thomas, Summers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**ESB 8** — Duncan, Thomas, Summers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**ESB 9** — T. Brown (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**ESB 12** — Walorski, Welch (Public Safety and Homeland Security)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**ESB 14** — Richardson, Thomas, Mahern (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**ESB 15** — Richardson, Thomas (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**ESB 30** — T. Brown, Stevenson (Roads and Transportation)

A BILL FOR AN ACT concerning utilities and transportation.

**ESB 32** — Ulmer, Alderman (Public Safety and Homeland Security)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**ESB 43** — Ripley, Pelath (Insurance)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**ESB 44** — Wolkins, Heim (Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

- ESB 47** — Ulmer, Foley, Dvorak (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 49** — Koch (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 53** — Murphy (Technology, Research and Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- ESB 60** — T. Brown, Klinker (Natural Resources)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- ESB 67** — Ruppel, Burton, Bischoff (Public Safety and Homeland Security)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- ESB 75** — Ripley, Saunders, Hoffman (Insurance)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- ESB 77** — Hinkle (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- ESB 79** — Duncan, Goodin (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- ESB 88** — Ayres, Kuzman (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- ESB 89** — Cherry, Bottorff (Agriculture and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- ESB 92** — Murphy, Koch (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 94** — Ruppel, Davis, Bischoff (Public Safety and Homeland Security)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- ESB 95** — Messer, Crawford, Foley, Kuzman (Courts and Criminal Code)  
A BILL FOR AN ACT concerning criminal law and procedure.
- ESB 98** — Messer, Crawford, Foley, Kuzman (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 100** — Espich, Crawford, Borrer, GiaQuinta (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- ESB 101** — Messer, Crawford, Foley, Kuzman (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 102** — Foley, Kuzman, Koch, Thomas (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- ESB 106** — Torr (Insurance)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- ESB 111** — Alderman (Public Policy and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- ESB 112** — Espich (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- ESB 114** — Wolkins, Klinker (Public Health)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- ESB 115** — Foley (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- ESB 117** — Foley (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 125** — Ripley (Insurance)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- ESB 139** — Alderman (Employment and Labor)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- ESB 140** — Saunders, Hoffman (Public Policy and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.
- ESB 149** — Torr (Employment and Labor)  
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- ESB 159** — Ulmer, Austin (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 164** — Ulmer, Foley, Stutzman (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 169** — Wolkins (Environmental Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- ESB 172** — Budak, Becker (Public Health)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- ESB 179** — Thomas, Messer, Leonard, Mahern (Elections and Apportionment)  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- ESB 181** — Wolkins, Dvorak (Environmental Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- ESB 193** — Alderman, Grubb, Buell (Public Policy and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning war memorials and to make an appropriation.
- ESB 195** — Heim, Hoy (Environmental Affairs)  
A BILL FOR AN ACT concerning environmental law.
- ESB 196** — Alderman, Kuzman (Public Policy and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

- ESB 197** — Becker, C. Brown (Public Health)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- ESB 202** — Buell, Welch (Ways and Means)  
A BILL FOR AN ACT concerning education finance.
- ESB 208** — Hoffman, Pond (Natural Resources)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- ESB 209** — Hinkle, Kuzman (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- ESB 213** — Friend, McClain (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- ESB 222** — Torr, Ripley, C. Brown, Noe (Insurance)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- ESB 223** — Duncan (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- ESB 224** — Becker, C. Brown (Public Health)  
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- ESB 225** — Becker, C. Brown (Public Health)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- ESB 230** — Becker, VanHaaften (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- ESB 233** — Ulmer, Foley, J. Smith (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 241** — Borrer, Moses, Bottorff, Espich (Interstate and International Cooperation)  
A BILL FOR AN ACT concerning natural and cultural resources.
- ESB 259** — Foley, Kuzman (Government and Regulatory Reform)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- ESB 264** — Duncan, Reske (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- ESB 265** — Duncan, Grubb (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- ESB 266** — Hoffman, Bischoff (Agriculture and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- ESB 278** — Espich (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- ESB 282** — Borrer, GiaQuinta, Espich, Bauer (Commerce, Economic Development and Small Business)  
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- ESB 285** — Behning, Hinkle (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

- ESB 293** — Frizzell (Public Health)  
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- ESB 296** — Richardson, Behning (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- ESB 298** — Hinkle, Murphy, Denbo (Government and Regulatory Reform)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- ESB 301** — Hinkle (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- ESB 303** — Buell, Porter (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- ESB 304** — Alderman, Kuzman (Public Policy and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans' affairs.

## INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

- ESJR 10** — Richardson, Thomas (Elections and Apportionment)  
A JOINT RESOLUTION proposing an amendment to Article 2, Section 2, of the Constitution of the State of Indiana concerning elections.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 2, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. (a) A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.

(b) A citizen may not be disenfranchised under subsection (a), if the citizen is entitled to vote in a precinct under subsection (c), **subsection (d)**, or federal law.

(c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

**(d) The General Assembly may provide that a citizen who:**

- (1) is the child of an individual who is a registered voter of Indiana; and**
  - (2) currently resides outside the United States;**
- may vote in a precinct if the citizen meets all the qualifications in subsection (a) other than residence in a precinct in Indiana.**

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1383.

WOLKINS

Motion prevailed.

### HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives

Borders, J. Smith, and Davis be added as coauthors of House Bill 1845.

NOE

On the motion of Representative McClain, the House adjourned at 2:00 p.m., this seventh day of March, 2005, until Tuesday, March 8, 2005, at 1:30 p.m.

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives